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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/735,132

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Mark Olijnyk

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7590

03/01/2005

Warn, Burgess & Hoffmann, P.C.
P.O. Box 70098
Rochester Hills, MI 48307

EXAMINER

ROBINSON, MARK A

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/735,132	Applicant(s) OLIJNYK ET AL.	
	Examiner Mark A. Robinson	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Objections

Claims 6-8 are objected to because of the following informalities: "position" appears to be missing after "forward" in line 6 of claim 6. Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto (US 4681409) in view of Fujie (US 5375014).

Enomoto shows a vehicle mirror including a mirror housing(10) with reflective element and an electrically powered folding mechanism(30) for folding the mirror forward and backward (see fig. 8), wherein forward arcuate travel of the mirror housing is greater than backward arcuate travel (shown in

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fig. 8). Enomoto further shows a sail portion(20) and at least one attachment arm(14,etc.) between the mirror housing and the sail portion, the folding mechanism folding the mirror at a connection point between the arm and sail portion. Note also that the rearward folded position is adjacent a side window of the vehicle.

Enomoto does not show the forward folded position of the mirror housing to be substantially ahead of the windshield. However, such a feature is shown by Fujie (see fig. 1). It would have been obvious to the ordinarily skilled artisan at the time of invention to include Fujie's arrangement for folding the mirror housing ahead of the windshield with Enomoto's mirror device in order to provide for an unobstructed vehicle side profile thus allowing for a further reduction in the width of the vehicle for storage or parking. Note that when Enomoto's structure is modified with Fujie's arrangement, the overall width will be less when the mirror is folded in the forward direction compared with the rearward direction (claim 9).

3. Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumai (US 4626084) in view of Fujie (US 5375014).

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Kumai shows a vehicle mirror including a mirror housing(5) with reflective element and an electrically powered folding mechanism(10) for folding the mirror forward and backward (abstract), wherein forward arcuate travel of the mirror housing is greater than backward arcuate travel (see figs. 4 and 5). Kumai further shows a sail portion(1) and at least one attachment arm(8) between the mirror housing and the sail portion, the folding mechanism folding the mirror at a connection point between the arm and sail portion. Note also that the rearward folded position is adjacent a side window of the vehicle.

Kumai does not show the forward folded position of the mirror housing to be substantially ahead of the windshield. However, such a feature is shown by Fujie (see fig. 1). It would have been obvious to the ordinarily skilled artisan at the time of invention to include Fujie's arrangement for folding the mirror housing ahead of the windshield with Kumai's mirror device in order to provide for an unobstructed vehicle side profile thus allowing for a further reduction in the width of the vehicle for storage or parking. Note that when Kumai's structure is modified with Fujie's arrangement, the overall width will be less when the mirror is folded in the forward direction compared with the rearward direction (claim 9).

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4. Claims 1 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto (US 4681409) in view of Lang (US 5583703).

Enomoto shows a vehicle mirror including a mirror housing(10) with reflective element and an electrically powered folding mechanism(30) for folding the mirror forward and backward (see fig. 8), wherein forward arcuate travel of the mirror housing is greater than backward arcuate travel (shown in fig. 8). Enomoto further shows a sail portion(20) and at least one attachment arm(14,etc.) between the mirror housing and the sail portion, the folding mechanism folding the mirror at a connection point between the arm and sail portion. Note also that the rearward folded position is adjacent a side window of the vehicle.

Enomoto does not show a non-planar scalp connected to the mirror housing to provide aerodynamic benefits. However, such structures are common in exterior vehicle mirrors and an example is shown by Lang (note "scalp" portions 50 shown in the figures and the Lang teaches the aerodynamic benefits in col. 2). It would have been obvious to the ordinarily skilled artisan at the time of invention to include a "scalp" as shown by Lang with Enomoto's housing in order to provide a better aerodynamic profile.

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5. Claims 1 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumai (US 4626084) in view of Lang (US 5583703).

Kumai shows a vehicle mirror including a mirror housing(5) with reflective element and an electrically powered folding mechanism(10) for folding the mirror forward and backward (abstract), wherein forward arcuate travel of the mirror housing is greater than backward arcuate travel (see figs. 4 and 5). Kumai further shows a sail portion(1) and at least one attachment arm(8) between the mirror housing and the sail portion, the folding mechanism folding the mirror at a connection point between the arm and sail portion. Note also that the rearward folded position is adjacent a side window of the vehicle.

Kumai does not show a non-planar scalp connected to the mirror housing to provide aerodynamic benefits. However, such structures are common in exterior vehicle mirrors and an example is shown by Lang (note "scalp" portions 50 shown in the figures and the Lang teaches the aerodynamic benefits in col. 2). It would have been obvious to the ordinarily skilled artisan at the time of invention to include a "scalp" as shown by Lang with Kumai's housing in order to provide a better aerodynamic profile.

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6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto (US 4681409) in view of Lang (US 5583703) as applied to claim 1 above, and further in view of Fujie (US 5375014).

Enomoto in view of Lang does not show the forward folded position of the mirror housing to be substantially ahead of the windshield. However, such a feature is shown by Fujie (see fig. 1). It would have been obvious to the ordinarily skilled artisan at the time of invention to include Fujie's arrangement for folding the mirror housing ahead of the windshield with Enomoto's mirror device in order to provide for an unobstructed vehicle side profile thus allowing for a further reduction in the width of the vehicle for storage or parking.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kumai (US 4626084) in view of Lang (US 5583703) as applied to claim 1 above, and further in view of Fujie (US 5375014).

Kumai in view of Lang does not show the forward folded position of the mirror housing to be substantially ahead of the windshield. However, such a feature is shown by Fujie (see fig. 1). It would have been obvious to the ordinarily skilled artisan at the time of invention to include Fujie's arrangement

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for folding the mirror housing ahead of the windshield with Kumai's mirror device in order to provide for an unobstructed vehicle side profile thus allowing for a further reduction in the width of the vehicle for storage or parking.

Response to Arguments

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Robinson whose telephone number is (571) 272-2319.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn, can be reached at (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

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access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

MR

2/25/05


MARK A. ROBINSON
PRIMARY EXAMINER